

EXHIBIT 1

**PREVIOUSLY
FILED UNDER SEAL**

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

VIRTAMOVE, CORP., : Case No.
Plaintiff, : 2:24-cv-00093-JRG
v. :
HEWLETT PACKARD ENTERPRISE
COMPANY :
Defendant. :

VIRTAMOVE, CORP., : Case No.
Plaintiff, : 2:24-cv-00064-JRG
v. :
INTERNATIONAL BUSINESS :
MACHINES :
Defendant. :

VIDEOTAPED DEPOSITION OF SUSAN CAMERON

VIA VIDEOCONFERENCE

THURSDAY, OCTOBER 10, 2024

CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY

10:04 a.m. - 5:17 p.m.

Pages: 1 - 233

Reported by: Leanne N. Kowalyk, AR, RCR, CSR(A)

Page 1

Deposition of SUSAN CAMERON held via
videoconference:

Pursuant to Notice, before James Neeson,
Commissioner for taking oaths in the Province of
Ontario.

A P P E A R A N C E S

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ALSO PRESENT:

PETER GOODALE, VIDEOGRAPHER

1 of California?

2 A. No, I don't think so.

3 Q. And is that something you asked
4 Nigel about?

5 A. No, I didn't. I didn't ask him
6 that.

7 Q. And so what are you basing your
8 understanding that they're not located in the
9 Northern District of California on?

10 A. Just my memory, so ...

11 Q. Okay. Has VirtaMove ever
12 discussed licensing its patents to companies in the
13 Northern District of California?

14 A. Not to my knowledge, no.

15 Q. Is that something that you looked
16 into in preparing to provide testimony today?

17 A. Nigel and I discussed that.

18 Q. Okay. And what did Mr. Stokes
19 tell you?

20 A. That the answer to that question
21 is no.

22 Q. And has VirtaMove ever discussed
23 licensing its patents to any company?

24 A. VirtaMove has not.

25 Q. Has VirtaMove ever sent any demand

1 letters for patent infringements to any companies?

2 MR. TONG: Objection. Scope.

3 A. I'm -- can you just rephrase that.

4 Q. Sure. Has VirtaMove or anybody on
5 behalf of VirtaMove sent letters to another company
6 demanding either a license or some money for using
7 VirtaMove's patents?

8 MR. TONG: Objection. Scope.

9 A. Are you referencing that in terms
10 of an infringement case?

11 Q. That is what I would be -- well,
12 for this question that's what I would be
13 referencing.

14 A. Yes. Okay. So yes.

15 Q. And who are those companies?

16 A. One company.

17 Q. And who is the one company?

18 A. AppFirst.

19 Q. AppFirst?

20 A. Yeah.

21 Q. And was that letter -- did that
22 letter relate to the patents that are at issue in
23 this case, the 814 and the 058?

24 A. I don't know.

25 Q. Did the letter relate to patents

1 at all, or was it some other demand letter for
2 other types of intellectual property?

3 A. No, it was related to the patents.

4 Q. Okay. And when did AppZero send
5 that letter?

6 A. I'm going to have to guess because
7 it's quite sometime ago. 2011 or -- 2011 I want to
8 say, 2011 or 2012, something like that.

9 Q. And did AppFirst ultimately pay
10 VirtaMove any money in response to those
11 discussions?

12 A. Yes.

13 Q. And how much money? Do you know?

14 A. I don't remember the exact number,
15 but it was quite a low -- it was a low amount.

16 Q. And where is AppFirst based?

17 A. I'm not entirely sure. Again, it
18 was a long time ago. I'm not really sure. I think
19 it's in the northeast US, but, again, I would need
20 to check. I really don't know.

21 Q. And did one of VirtaMove's former
22 employees work at AppFirst?

23 A. Yes.

24 Q. Was that employee Donn Rochette?

25 A. Yeah.

1 Q. And is that the reason why
2 VirtaMove targeted AppFirst for that letter is
3 because Donn Rochette went over there and developed
4 technology?

5 A. I don't know. That was before I
6 joined, when they -- this process started. I don't
7 know.

8 Q. Okay. So as far as you're aware,
9 the one patent demand letter that VirtaMove sent
10 was sent to a company that had employed one of the
11 inventors in the patents; is that right?

12 A. I think David Roth was also
13 involved in that.

14 Q. And David Roth, he's a former CEO
15 of Trigence?

16 A. Yes.

17 Q. And he went on to start a company
18 called AppFirst?

19 A. Yes.

20 Q. And after he and Mr. Rochette
21 started AppFirst, VirtaMove sued AppFirst -- or
22 withdrawn.

23 After Mr. Roth and Mr. Rochette went
24 and started AppFirst, VirtaMove sent AppFirst a
25 demand letter related to patent infringement;

REPORTER'S CERTIFICATE

I, Leanne N. Kowalyk, AR, RCR,
CSR(A), Certified Shorthand Reporter, certify;

That the foregoing proceedings were
taken before me at the time and place therein set
forth, at which time the witness was put under oath
by me;

That the testimony of the witness
and all objections made at the time of the
examination were recorded stenographically by me
and were thereafter transcribed;

That the foregoing is a true and
correct transcript of my shorthand notes so taken.

Dated this 11th day of October, 2024.



Leanne N. Kowalyk, AR, RCR, CSR(A)

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